

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and

HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1177 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
27/07/2004 in WP NO : 13093 OF 2004 on the file of the High Court.)

Between:

- 1 N.D.V.Uma Lakshmi, W/o.N.Balakrishna,
R/o.No.301, Moti Apartments, 3-4-859,
Barkatpura, Hyderabad.
- 2 N.Balakrishna, S/o.bhoomaiah,
R/o.No.301, Moti Apartments, 3-4-859,
Barkatpura, Hyderabad.

..... APPELLANTS

AND

- 1 S.H.O.,P.S.Sultan Bazar, Hyderabad.
- 2 Smt B.Vijayalakshmi, W/o.Krishna Murari,
R/o.3-3-26, Kacheguda X Roads,
Hyderabad.

.....RESPONDENTS

Counsel for the AppellantS:MR.S.NIRANJAN REDDY

Counsel for the Respondent No.1: GP FOR HOME

Counsel for the respondent No.2: None appeared.

The Court made the following Judgment:

ORAL JUDGMENT:

(Per Hon'ble The Chief Justice)

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1 . Appellants' writ petition was dismissed by the learned single Judge in limini on the ground that appellants had addressed a letter to 1st respondent on 22.07.2004 bringing to the notice of 1st respondent of the orders of X Junior Civil Judge, City Civil Court, Hyderabad, whereby 1st respondent was directed to implement the orders of injunction granted by the said Court. Learned single Judge observed that even before any action could be taken on such representation, petitioners moved the court on 26.07.2004 complaining non-action on the part of 1st respondent and thus petitioners have approached the Court in great haste. Writ petition was dismissed with the observation that 1st respondent would implement the orders of the Civil Court.

2. Learned counsel for the appellants has drawn our attention even to the representation dated 22.07.2004 which says that complaints were given on 2nd, 6th, 16th and 19th July, 2004 with a copy of injunction order of the Court and request was made to 1st respondent to give protection to the appellants' life and properties for flouting the orders of the court and this petition was not filed in great haste.

3 . We find force in the submission made by the learned counsel for the appellants and are of the view that learned single Judge ought not to have dismissed the writ petition without considering the petitioners' prayer for issuing appropriate direction to 1st respondent as would have been required to be issued after calling for response from 1st respondent.

4. Writ appeal is allowed. Impugned order is set aside with direction that writ petition will be heard and decided afresh. Writ petition be listed before learned single Judge on 09.09.2004. Petitioners to appear before the learned single Judge on that day. In the meanwhile, respondent No.1 will file status report on the petitioners' complaint before the learned single Judge. No costs.

DEVINDER GUPTA. C.J.,

C.V. RAMULU. J.,

Dated: 02.08.2004.

VRK.

To

1. The Station House Officer, P.S.Sultan Bazar, Hyderabad.
2. Two CCs to G.P. for Home, High Court Buildings,

Hyderabad (OUT)

3. Two CD copies.

**HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
AND
HON'BLE SRI JUSTICE C.V. RAMULU.**

W.A.NO. 1177 OF 2004.

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**(Judgment of the Bench delivered by
Hon'ble The Chief Justice)**

Dt: 02.08.2004.

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